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6 | Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

10 BOARD OF TRUSTEES OF THE  
11 LABORERS HEALTH AND WELFARE  
12 TRUST FUND FOR NORTHERN  
13 CALIFORNIA; BOARD OF TRUSTEES OF  
14 THE LABORERS VACATION-HOLIDAY  
15 TRUST FUND FOR NORTHERN  
16 CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA; and  
BOARD OF TRUSTEES OF THE  
LABORERS TRAINING AND RETRAINING  
TRUST FUND FOR NORTHERN  
CALIFORNIA.

17 Plaintiffs,

18

19 PEAK ENGINEERING, INC., a California  
20 corporation;

Defendant.

Case No.: CV10-2303 JCS

## **CASE MANAGEMENT CONFERENCE STATEMENT; ORDER THEREON**

**Date:** September 3, 2010

Time: 1:30 p.m.

Ctroom: A, 15<sup>th</sup> Floor

Hon. Joseph C. Spero

22 Plaintiffs Laborers Trust Funds filed their Complaint For Damages for Breach of  
23 Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions, For Breach of  
24 Fiduciary Duty and For A Mandatory Injunction (“Complaint”) against Defendant Peak  
25 Engineering, Inc. on May 26, 2010 seeking to recover employee fringe benefit contributions on  
26 behalf of Peak Engineering, Inc.’s covered employees. The Complaint was served on defendant  
27 Peak Engineering, Inc. on June 25, 2010.

28 Peak Engineering, Inc. failed to file a responsive pleading.

1 On August 27, 2010 Plaintiffs filed their Request for Clerk's Entry of Default. Plaintiffs  
2 intend to proceed via a motion for default judgment. Plaintiffs anticipate that the motion will be  
3 filed within the next 45 days.

4           Based on the above, Plaintiffs respectfully request that the Case Management  
5 Conference be continued for 45 days to allow sufficient time for the filing of a motion for  
6 default judgment.

7 | DATED: August 27, 2010

BULLIVANT Houser Bailey PC

By Ronald L. Richman  
Ronald L. Richman  
Susan J. Olson

Attorneys for Plaintiffs

## ORDER

Pursuant to Plaintiffs' request and good cause appearing:

IT IS HEREBY ORDERED that the Case Management Conference be continued to  
October 22, 2010, Courtroom A, 15<sup>th</sup> Floor at 1:30 p.m.

17 | DATED: August 30, 2010

The seal of the Northern District of California, Southern Division, is circular with a double-line border. The outer ring contains the text "NORTHERN DISTRICT OF CALIFORNIA" at the bottom and "SOUTHERN DIVISION" at the top. Inside the inner circle, the text "HON. JOSEPH C. SPERO" is written above "JUDGE". A large, handwritten signature of "Joseph C. Spero" is written across the center of the seal, partially overlapping the text and the inner circle.

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